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HOUSE BILL 2082 By
Turner (Dav)

SENATE BILL 2148
By Dixon

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 1, Part 3, relative to certain civil actions for failure to provide due process to certain government employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by adding the following language as a new section:

Section 50-1-106. (a) There is created a civil right of action to be brought in the circuit or chancery court of the county in which a violation occurred against the mayor or city manager of a municipality or appointing authority of a local governmental entity who is in the position of making disciplinary decisions involving such entity's employees if such official fails to provide due process in a disciplinary hearing involving the employee bringing an action pursuant to this section. Such action shall be brought against the mayor, city manager, or appointing authority personally and not in such person's capacity as a public official.

(b) Failure to provide due process includes, but is not limited to, failing to equally and fairly view and consider all evidence presented in a disciplinary hearing involving the

person bringing an action pursuant to this section or failing to make a determination based on a preponderance of the evidence presented at such hearing.

(c) A person successful in an action brought pursuant to this section shall be entitled to the greater of ten thousand dollars (\$10,000) or treble the damages actually caused by such violation and for the reasonable cost of bringing the action, including attorney fees.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.